IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 866 OF 2005
IN
SUIT NO.4640 OF 1997

United Bank of India. ..Plaintiffs.

V/s.

Mrs.Sarala Mohatta & Anr. ..Defendants.

Ms.Usha Singh i/b Vyas & Bhalwal for plaintiffs.

Mr.S.J.Kadam i/b S.Mohomedbhai & Co. for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 25, 2005.

P.C. :

1. As Suit No.4640 of 1997 stands disposed of in terms of order dated 24th October, 2005 passed by the Registrar(O.S.)/Prothonotary & Senior Master, as it was allowed to be withdrawn on account of settlement as recorded in the order, nothing survives for consideration in the present chamber summons.

2. Counsel for the defendants however, submits that defendants have not consented for the withdrawal of the Suit. Order recorded by the Prothonotary however, is to the contrary. It will be open to the defendants to take recourse to such other remedy as permissible by law, if so advised.

3. This chamber summons is disposed of, as nothing survives for consideration. Ordered accordingly.